

REMARKS/ARGUMENTS

Claims 1-20 are pending. Claims 1-7, 8, 17, and 18 are amended herein. No new matter is added as a result of the Claim amendments.

Support for the Claim amendments can be found at least at: page 8, lines 1-21; page 9, lines 1-4; page 11, lines 19-22; page 12, line 16 - page 12, line 5; page 13, lines 19-20; page 15, lines 11-26; and Figures 2B, 3, and 4 of the application as filed.

35 U.S.C. §101 Rejections

Claims 1-7 and 8-16 are rejected under 35 U.S.C. § 101. Applicants have reviewed the Office Action's reason for rejection under 35 U.S.C. §101 and respectfully submit amendments included herein overcome this rejection of these claims. With respect to Claims 1-7, Applicants have included structure (per suggestion of the Office Action). With respect to Claims 8-16, Applicants have included structure which indicates that the Claims describe physical components of a physical system. In light of these amendments, Applicants respectfully request withdrawal of the 35 U.S.C. §101 rejection of Claims 1-16.

35 U.S.C. §102 Rejections

Claims 8-20 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,336,919 to O'Kane, Jr., et al. (hereinafter referred to as "O'Kane"). The Applicants respectfully submit that the features recited in Claims 8-20 are not anticipated by O'Kane for at least the following rationale.

Anticipation Requirements

According to MPEP 2131, “to anticipate a claim, the reference must teach every element of the claim.” Further, as cited in MPEP 2131, “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Additionally, according to MPEP 2131, “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Claims 8-16

Attention is directed to Claim 8, which recites (emphasis added):

A rack equipment information coordination system comprising:
an equipment description information repository for tracking equipment description information, wherein said equipment descriptive information comprises an identification of equipment type of at least one component of a rack of equipment, said equipment description information comprising physical bulk storage coupled with a computer;
a management plan information repository for tracking rack equipment management plan information, said management plan information repository comprising a second physical bulk storage coupled with said computer, wherein said rack equipment management plan information is used for managing rack equipment while said rack equipment is in operation and is configured for directing a change in operating characteristics of said rack equipment;
a coordination component for coordinating said equipment description information and said rack equipment management plan information, said coordination component comprising a processor of said computer programmed with instructions for performing said coordinating; and

a repository management component that controls automatic retrieval of said equipment description information and said management plan information and also controls population of said equipment description information into said equipment description information and population of said management plan information into said management plan information repository, said repository management component implemented by said processor of said computer which is programmed with instructions for performing said automatic retrieval and said population.

Applicants respectfully submit that the rejection of Claim 8 under 35 U.S.C. §102(b) is not proper, as the cited art does not meet the requirements set forth for anticipation (shown above) by the MPEP. Specifically, Applicants submit that O’Kane fails to anticipate Claim 8 and to meet the requirements for anticipation because it does not teach every element of Claim 8, as required by the MPEP.

For example, per Applicants’ understanding, O’Kane does not teach or suggest, either expressly or inherently, “a repository management component that controls automatic retrieval of said equipment description information and said management plan information and also controls population of said equipment description information into said equipment description information and population of said management plan information into said management plan information repository,” as is recited in Claim 8. To the contrary, automatic retrieval in O’Kane (if performed) appears to be limited to retrieving operation information (see col. 6, lines 40-53 of O’Kane). . To any extent that O’Kane discusses population or retrieval of equipment description information, such as identification of equipment type; Applicants submit O’Kane indicates such processes begin with a survey request for manual collection and input of information. For example, O’Kane indicates:

The survey request imposes an acquisition of data by the technician as to a particular site 44 for insertion into the respective data bases. Either during or after the technician has visited the site 44 an electronic survey report 46 is

prepared and forwarded via the network 24 to the computer 36 where the data is distributed into the appropriate databases...
O’Kane col. 4, lines 41-50).

Per Applicants’ understanding, such manual retrieval and population of equipment information is very different than “a repository management component that controls automatic retrieval of said equipment description information and said management plan information and also controls population of said equipment description information into said equipment description information and population of said management plan information into said management plan information repository,” (emphasis added) as is recited in Claim 8.

Accordingly, the Applicants submit that the rejection of Claim 8 under 35 U.S.C. §102(b) is not supported by the cited art as O’Kane does not teach all of the elements of Claim 8. Claims 9-16 depend from Claim 8 and recite additional features descriptive of embodiments of the present invention. Accordingly, the Applicants further submit that the rejection of Claims 9-16 under 35 U.S.C. §102(b) is also not supported by the cited art, at least by virtue of these claims depending from an allowable base claim. As such, Applicants submit that Claims 8-16 are in condition for allowance.

Claims 17-20

Attention is directed to Claim 17, which recites (emphasis added):

A computer system comprising:

a means for controlling automatic retrieval of rack equipment related information from at least one component comprising said rack equipment, wherein said rack equipment related information comprises rack equipment description information regarding at least said at least one component and

includes an identification of equipment type of said at least one component of a rack of equipment;

a means for communicating said rack equipment related information for managing rack equipment while said rack equipment is in operation;

a means for storing said rack equipment related information and instructions for implementing rack equipment information coordination; and

a means for processing information and instructions, wherein said means for processing information and instructions is configured for processing said instructions and for managing operating characteristics of said rack equipment, and is configured for processing information for managing said rack equipment information.

Applicants respectfully submit that the rejection of Claim 17 under 35 U.S.C. §102(b) is not proper, as the cited art does not meet the requirements set forth for anticipation (shown above) by the MPEP. Specifically, Applicants submit that O’Kane fails to anticipate Claim 17 and to meet the requirements for anticipation because it does not teach every element of Claim 17, as required by the MPEP.

For example, per Applicants’ understanding, O’Kane does not teach or suggest, either expressly or inherently, “a means for controlling automatic retrieval of rack equipment related information from at least one component ... wherein said rack equipment related information comprises rack equipment description information regarding at least said at least one component and includes an identification of equipment type of said at least one component,” as is recited in Claim 17. To the contrary, automatic retrieval in O’Kane (if performed) appears to be limited to retrieving operation information (see col. 6, lines 40-53 of O’Kane). To any extent that O’Kane discusses population or retrieval of equipment description information, such as identification of equipment type; Applicants submit O’Kane indicates that such processes begin with a survey request for manual collection and input of information. For example, O’Kane indicates:

The survey request imposes an acquisition of data by the technician as to a particular site 44 for insertion into the respective data bases. Either during or after the technician has visited the site 44 an electronic survey report 46 is prepared and forwarded via the network 24 to the computer 36 where the data is distributed into the appropriate databases...
O’Kane col. 4, lines 41-50).

Per Applicants’ understanding, such manual retrieval and population of equipment information is very different than “a means for controlling automatic retrieval of rack equipment related information from at least one component ... wherein said rack equipment related information comprises rack equipment description information regarding at least said at least one component and includes an identification of equipment type of said at least one component,” (emphasis added) as is recited in Claim 17.

Accordingly, the Applicants submit that the rejection of Claim 17 under 35 U.S.C. §102(b) is not supported by the cited art as O’Kane does not teach all of the elements of Claim 17. Claims 18-20 depend from Claim 17 and recite additional features descriptive of embodiments of the present invention. Accordingly, the Applicants further submit that the rejection of Claims 18-20 under 35 U.S.C. §102(b) is also not supported by the cited art at least by virtue of these claims depending from an allowable base claim. As such, Applicants submit that Claims 17-20 are in condition for allowance.

35 U.S.C. §103 Rejections

Claims 1-7 are rejected under 35 U.S.C. §103(a) as being unpatentable over Applicants Admitted Prior Art (AAPA) in view of O’Kane. The Applicants respectfully submit that the features recited in Claims 1-7 are patentable over the cited combination for at least the following rationale.

Obviousness Requirements

“As reiterated by the Supreme Court in *KSR*, the framework for the objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). Obviousness is a question of law based on underlying factual inquiries” including “[a]scertaining the differences between the claimed invention and the prior art” (MPEP 2141(II)). “In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious” (emphasis in original; MPEP 2141.02(I)). Applicants note that “[t]he prior art reference (or references when combined) need not teach or suggest all the claim limitations, however, Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art” (emphasis added; MPEP 2141(III)).

Claims 1-7

Attention is directed to Independent Claim 1, which recites (emphasis added):

A computer-implemented rack equipment management information coordination method comprising:

formulating a rack equipment management plan that includes equipment management and usage policies and establishes an association between a rack equipment performance action and a trigger event, said formulating performed using a computer to analyze said equipment management and usage policies, wherein at least a portion of said equipment management and usage policies are automatically received by said computer from a customer database, and wherein said rack equipment management plan is a plan for managing rack equipment operating characteristics while said rack equipment is in operation;

automatically detecting and retrieving, with said computer, rack equipment description information from at least one component comprising said

rack equipment, wherein said rack equipment descriptive information comprises an identification of equipment type of said at least one component; and
storing, with said computer, said rack equipment description information
and said rack equipment management plan.

Applicants submit that nothing in the background of the Applicants' specification teaches or suggests either, "formulating a rack equipment management plan that includes equipment management and usage policies and establishes an association between a rack equipment performance action and a trigger event ... wherein at least a portion of said equipment management and usage policies are automatically received by said computer from a customer database... ," or "automatically detecting and retrieving, with said computer, rack equipment description information from at least one component comprising said rack equipment, wherein said rack equipment descriptive information comprises an identification of equipment type of said at least one component," (emphasis added) as recited in Claim 1. The Rejection (page 7, paragraph 1) apparently agrees with Applicants' position, as it states that, "AAPA discloses all the limitation indicated above except for the additional feature 'automatically' detecting equipment (step b); and storing these data/information about the rack equipment (step c)," emphasis in original.

Applicants submit that neither O'Kane nor AAPA in view of O'Kane cures the above noted deficiencies. Firstly, Applicants submit that nothing in AAPA in view of O'Kane teaches or suggests, "formulating a rack equipment management plan that includes ... an association between a rack equipment performance action and a trigger event," (emphasis added) as is recited in Claim 1.

Secondly, Applicants' submit that nothing in AAPA in view of O'Kane teaches or suggests, "formulating a rack equipment management plan that includes equipment management and usage policies and establishes an association between a rack equipment performance action and a trigger event ... wherein at least a portion of said equipment management and usage policies are automatically received by said computer from a customer database," (emphasis added) as is recited in Claim 1.

Thirdly, Applicants submit that AAPA in view of O'Kane does not teach or suggest "automatically detecting and retrieving, with said computer, rack equipment description information from at least one component comprising said rack equipment," as is recited in Claim 1. O'Kane was relied on by the Office Action to support such teachings. Applicants understand that O'Kane may describe automatically determining and monitoring a power load on a rack (see col. 6, lines 40-53 of O'Kane). Applicants submit that the automatic monitoring of O'Kane monitors operating information. However, this is not the same as, and does not teach or suggest, "automatically detecting and retrieving, with said computer, rack equipment description information from at least one component comprising said rack equipment, wherein said rack equipment descriptive information comprises an identification of equipment type of said at least one component." Furthermore, to any extent that O'Kane discusses population or retrieval of equipment operating information, O'Kane indicates that such processes begin with a survey request for manual collection and input of information. For example, O'Kane indicates:

The survey request imposes an acquisition of data by the technician as to a particular site 44 for insertion into the respective data bases. Either during or after the technician has visited the site 44 an electronic survey report 46 is prepared and forwarded via the network 24 to the computer 36 where the data is distributed into the appropriate databases...
O'Kane col. 4, lines 41-50).

Thus, per Applicants' understanding, such manual retrieval and population of equipment information actually teaches away from "automatically detecting and retrieving, with said computer, rack equipment description information from at least one component comprising said rack equipment, wherein said rack equipment descriptive information comprises an identification of equipment type of said at least one component," as is recited in Claim 1.

As such, Applicants submit that AAPA in view of O'Kane fails to make a *prima facie* case of obviousness as not all of the features of Claim 1 are taught or suggested by the combination and as AAPA in view of O'Kane actually teaches away from Applicants' Claim 1. Additionally, and as required by the MPEP as cited above, the present Rejection fails to explain why the identified differences between Applicants' claimed invention and AAPA in view of O'Kane would have been obvious to one of ordinary skill in the art.

Accordingly, the Applicants submit that the rejection of Claim 1 under 35 U.S.C. §103(a) has been overcome as AAPA in view of O'Kane does not teach all of the elements of Claim 1 and actually teaches away from Claim 1. Claims 2-7 depend from Claim 1 and recite additional features descriptive of embodiments of the present invention. Accordingly, the Applicants further submit that the rejection of Claims 2-7 under 35 U.S.C. §103(a) is also overcome at least by virtue of these claims depending from an allowable base claim. As such, Applicants submit that Claims 1-7 are in condition for allowance.

CONCLUSION

In light of the above remarks, the Applicants respectfully request reconsideration and allowance of the pending Claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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